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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,701	04/05/2006	Andrzej Farnik	287256US6PCT	1869
22850 7590 06/22/2007 OBLOK, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER BARNES, CRYSTAL J	
			ART UNIT 2121	PAPER NUMBER
			NOTIFICATION DATE 06/22/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/574,701	Applicant(s) FARNIK, ANDRZEJ	
	Examiner Crystal J. Barnes	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16 and 21-30 is/are rejected.
- 7) ☒ Claim(s) 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5 April 2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is an initial Office Action upon examination of the above-identified application on the merits. Claims 1-15 have been cancelled per Preliminary Amendment. Claims 16-30 are pending in this application.

Priority

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has complied with the conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 365(c).

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The examiner has considered the information disclosure statement (IDS) submitted on 5 April 2006.

Specification

5. The disclosure is objected to because of the following informalities: "force sensors 34" on page 11 line 31 should be "force sensors 35" as shown in Figure 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 22, 25, 28 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "slaving" in claims

22, 25, 28 and 30 is indefinite because the specification does not clearly define the term.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 16, 21, 23, 24, 26, 27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,666,836 to Bonnefont et al.

As per claim 16, the Bonnefont et al. reference discloses a method of increasing precision in controlling a path of a product through a roller leveler including a fixed support stand, two leveling assemblies including parallel rolls, the assemblies being placed above and below a strip respectively, members for setting imbrications of the rolls, and means for measuring leveling forces at least on two sides of the roller leveler, the method comprising: a theoretical presetting model (see column 6 lines 48-52, "mathematical model 80") giving at least one reference

value for presetting the imbrications (see column 7 lines 16-19, "imbrication reference values"); during a leveling operation (see column 4 line 46, "multi-roller leveling assembly 5"), at least one value of separation (see column 5 lines 4-6, "mechanical screw jacks 36") of the leveling rolls ("live rolls 33, 33'") is measured directly, the at least one value (see column 7 lines 59-64, "positioning means") being compared with reference values (see column 7 lines 16-19, "imbrication reference values"); and the members ("mechanical screw jacks 36") for setting the position of the leveling rolls ("live rolls 33, 33'") are acted upon to keep the measured values (see column 8 lines 7-17, "measured positions") equal to the reference values ("imbrication reference values") with increased precision ("self-adapting system 85") so as to keep the path of the product (see column 4 lines 41-47, "metal strip 1") to be leveled in the leveler ("multi-roller leveling assembly 5") in accordance with an undulation (see column 2 lines 39-40, "undulating feed path") predicted by the model ("mathematical model 80") for implementing the leveling operation ("multi-roller leveling assembly 5").

As per claim 21, the Bonnefont et al. reference discloses a fixed support stand (see column 4 lines 48-50, "frame 10"); two leveler assemblies (see column 4 lines 58-60, "bending unit 30") of parallel rolls ("planishing set 31, 32") placed

above and below the strip ("above and below the strip") respectively; devices (see column 5 lines 1-6, "mechanical screw jacks 36") for setting imbrication ("adjust the imbrication") of the rolls ("live rolls 33, 33"); means for measuring (see column 6 lines 35-37, "measuring device M1 to M5") leveling forces (see column 5 lines 15-18, "pressure") at least on each side of the leveler (see column 6 lines 6-10, "multi-roller assembly 5"); and at least one device (see column 5 lines 45-54, "chassis 6, 6") enabling separation ("vertical sliding movement") of the leveling rolls (see column 5 lines 28-32, "upper set 50, lower set 50") at at least one point (see column 6 lines 25-31, "imbrications P1, P2; center-to-center spacings A1, A2") to be measured ("measuring device M1 to M5") directly.

As per claim 23, 26, and 29, the Bonnefont et al. reference discloses the imbrication-setting devices (see column 6 lines 12-14, "imbrications") are hydraulically controlled ("hydraulic jacks").

As per claim 24, the Bonnefont et al. reference discloses further comprising a device enabling separation (see column 6 lines 30-32, "screw jacks 64, 66") of the leveling rolls ("multi-roller assembly 5") at at least first and second points (see column 6 lines 25-31, "imbrications P1, P2; center-to-center spacings A1, A2") to be measured directly, the first point located in an entry zone ("enter-to-center

spacings A1 at the input") and the second point located in an exit zone (center-to-center spacings A2 at the output") of the leveler ("multi-roller assembly 5").

As per claim 27, the Bonnefont et al. reference discloses further comprising a device enabling separation (see column 6 lines 30-32, "screw jacks 64, 66") of each pair of leveling work rolls ("multi-roller assembly 5") to be measured directly and separately (see column 6 lines 25-31, "imbrications P1, P2; center-to-center spacings A1, A2").

Allowable Subject Matter

11. Claims 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to adaptive control of metal deforming:

USPN 6,993,947 B2 to Tondo et al.

USPN 5,758,533 to Quehen et al.

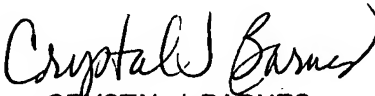
USPN 5,680,785 to Quehen et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571.272.3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2121

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


CRYSTAL J. BARNES
PRIMARY PATENT EXAMINER
CJB
7 June 2007